

Message Text

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ACTION NODS-00

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P 120950Z JAN 78
FM AMEMBASSY MANILA
TO SECSTATE WASHDC PRIORITY 270

C O N F I D E N T I A L SECTION 1 OF 3 MANILA 632

NODIS

FOR THE SECRETARY AND DEPUTY SECRETARY FROM PATT DERIAN
DEPARTMENT PLEASE PASS TO: TOKYO FOR HOLBROOKE; JAKARTA
FOR DERIAN

E.O. 11652: GDS
TAGS: SHUM, RP
SUBJECT: HUMAN RIGHTS IN THE PHILIPPINES

1. SUMMARY: HAVE JUST COMPLETED 30-HOUR VISIT IN MANILA,
DURING WHICH I SAW PRESIDENT MARCOS AND SEVERAL OF HIS CABINET
MEMBERS, SUPREME COURT JUSTICES, CARDINAL SIN, A NUMBER OF
PROMINENT OPPOSITION LEADERS, MRS. HERRERA, AND IMPRISONED
FORMER SENATOR AQUINO (THE LATTER IN LATE EVENING AT HIS
PLACE OF DETENTION). ON BASIS MY DISCUSSIONS I BELIEVE
USG SHOULD TAKE CLEAR STANCE IN FAVOR OF FREE ELECTIONS AND
FREE PRESS AND, UNTIL THESE GOALS ARE ACHIEVED, SHOULD GIVE
CONSIDERATION TO DISTANCING OURSELVES TO A DEGREE FROM THE
MARCOS REGIME. AT THE LEAST WE SHOULD MAINTAIN OUR POLICY
OF OPPOSING IFI LOANS FOR THE PHILIPPINES AND SHOULD
REVIEW OUR AID PROGRAMS WITH AN EYE TO HOLDING THEM STRICTLY
TO BASIC HUMAN NEEDS PROJECTS WHICH AVOID IDENTIFICATION
WITH THE CURRENT GOVERNMENT AND STRING OUT BASE
NEGOTIATIONS. I FULLY RECOGNIZE OUR OTHER INTERESTS AND
CONCERNS IN THE PHILIPPINES BUT BELIEVE CONVINCING CASE
CAN BE MADE FOR SCALING DOWN USG COMMITMENT TO MARCOS.
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END SUMMARY.

2. MY PROGRAM BEGAN WITH EVENING AND BREAKFAST MEETINGS
WITH OPPOSITION FIGURES SUCH AS FORMER PRESIDENT MACAPAGAL,
LEADING SENATORS IN THE ABOLISHED LEGISLATURE, RELIGIOUS
WORKERS, AND MRS. TRINIDAD A. HERRERA. ALL SPOKE WITH
RESTRAINT AND FREQUENT ELOQUENCE ABOUT THE ABSENCE OF

DEMOCRATIC PROCESSES IN THEIR COUNTRY -- A COUNTRY, THEY EMPHASIZED, WHICH LEARNED ITS DEMOCRATIC IDEALS FROM THE UNITED STATES. IN ADDITION TO NO FREE ELECTIONS, THEY PARTICULARLY STRESSED THE LACK OF A FREE PRESS, WITHOUT WHICH SUCH EFFORTS AS THE RECENTLY-FORMED PHILIPPINE ORGANIZATION FOR HUMAN RIGHTS -- ORGANIZED BY FORMER SENATOR LORENZO TANADA, FORMER PRESIDENT MACAPAGAL, AND FORMER SECRETARY OF FOREIGN AFFAIRS SALVADOR LOPEZ -- REMAIN VIRTUALLY UNKNOWN IN THE PHILIPPINES. PRESS AND MEDIA PRESENTLY FUNCTION UNDER GOVERNMENT CENSORSHIP OR SELF-RESTRAINT, THE LATTER RESULTING FROM CONCENTRATION OF CONTROL IN HANDS OF MARCOS ASSOCIATES. EVEN MODEST PUBLISHING EFFORTS BY CHURCH GROUPS (E.G., REV. JAMES REUTER) ARE BLOCKED BY THE REGIME.

3. MRS. HERRERA DESCRIBED THE TORTURE SHE RECEIVED WHILE IN MILITARY DETENTION. I BELIEVE HER.

4. MUCH OF THE MORNING WAS TAKEN UP BY MILITARY BRIEFING WHICH TURNED INTO INFORMAL DEBATE ON RULE OF LAW, DUE PROCESS, AND JUDICIARY SYSTEM UNDER MARTIAL LAW. BRIEFING WAS ORGANIZED BY SECRETARY OF NATIONAL DEFENSE JUAN PONCE ENRILE, THE ABLE (HARVARD-TRAINED) FORMER JUSTICE SECRETARY, WHO DEFENDED MARTIAL LAW UNDER WHICH CIVILIAN OFFENSES ARE TRIED BY MILITARY COURTS-MARTIAL. HE STRESSED THAT PHILIPPINE LAWS ARE BASED ON US MILITARY CODES, AND CITED EXAMPLES FROM CONFIDENTIAL

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OUR OWN HISTORY OF MARTIAL LAW DURING CIVIL WAR. HE WAFFLED ON TORTURE, CONCEDED THAT HIS 100-150,000 MILITARY FORCE MAY HAVE TORTURED A HUNDRED OR SO (AS CLAIMED) OF THE 63,000 FILIPINOS WHO HAVE BEEN DETAINED IN PAST FIVE YEARS (2,000 CURRENTLY). THE SECRETARY REFERRED TO THREAT OF COMMUNIST SUBVERSION AND TERRORISM AS REASON FOR MILITARY RULE (ALTHOUGH ORIGINAL RATIONALE FOR MARTIAL LAW AS CORRUPTION AND POLITICAL EXCESSES IN EARLY 1970'S). HE ALSO SAID THE GOVERNMENT MIGHT HAVE BEEN WISER TO SHOOT MORE OF THE PRISONERS WHO WERE NOW COMPLAINING ABOUT THEIR TREATMENT.

5. I ALSO CALLED ON FEISTY OCTOGENARIAN FOREIGN SECRETARY CARLOS ROMULO, WHO DESCRIBED MARTIAL LAW AS NECESSARY

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C O N F I D E N T I A L SECTION 2 OF 3 MANILA 632

NODIS

FOR THE SECRETARY AND DEPUTY SECRETARY FROM PATT DERIAN
DEPARTMENT PLEASE PASS TO: TOKYO FOR HOLBROOKE; JAKARTA
FOR DERIAN

FOR THE PHILIPPINES AND NOT INCONSISTENT WITH
ROOSEVELT'S FOUR FREEDOMS AND HIS PERSONAL INVOLVEMENT
IN DRAFTING OF UNIVERSAL DECLARATION OF HUMAN RIGHTS.
HE ALSO CLAIMED THAT THE PEOPLE ARE NOT YET READY FOR
DEMOCRACY, WHICH THEY HAD TRIED AND FOUND TOO SOPHISTICATED
FOR THEIR LEVEL OF DEVELOPMENT; THAT THE CURRENT GOVERNMENT
WAS BRINGING ABOUT "NATIONAL DISCIPLINE" INCLUDING CLEAN
STREETS AND FORMING QUES IN STORES AND AT BUS STOPS;
THAT OTHER COUNTRIES ARE NOT CRITICIZING THE PHILIPPINES;
AND THAT "DIPLOMATIC RELATIONS SHOULD BE BASED ON MUTUAL
RESPECT."

6. ACCOMPANIED BY AMBASSADOR NEWSOM (WHO ALSO JOINED ME
FOR THE CALLS ON ROMULO AND THE DEFENSE SECRETARY) I MET
FOR 90 MINUTES WITH PRESIDENT MARCOS, WITH HIS SECRETARIES
OF DEFENSE, FOREIGN AFFAIRS, JUSTICE, AND INFORMATION.
MARCOS SPENT FIRST HALF HOUR RAILING AGAINST AQUINO (FOR
REASONS WHICH BECAME OBVIOUS WHEN I TALKED TO AQUINO THAT
EVENING -- MORE ON THAT BELOW). MARCOS CLAIMED THE
COMMUNIST NPA HAS KILLED POTENTIAL WITNESSES AGAINST AQUINO,
WHO HE ASSERTED IS QUILTY OF RUNNING ARMS AND ARRANGING A
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MURDER, AMONG OTHER OFFENSES. I GAVE MARCOS A LETTER FROM
SENATOR DON RIEGLE (D-MIGH.) (PLEASE NOTIFY) OBJECTING TO
DEATH SENTENCE ON AQUINO, TO WHICH MARCOS SAID HE WOULD
REPLY ALONG LINES OF HIS REMARKS TO ME. I TOLD THE PRESIDENT
THAT AS LONG AS MARTIAL LAW CONTINUES, PEOPLE DOUBT SUCH
ASSERTIONS AGAINST A MAN, RECOGNIZED AS A POLITICAL
OPPONENT, WHO HAS BEEN HELD FOR FIVE YEARS WITHOUT TRIAL,

MUCH OF IT INCOMMUNICADO. MARCOS ACKNOWLEDGED THAT "MARTIAL LAW HAS CONNOTATION OF OPPRESSION -- THAT IS THE CROSS WE HAVE TO BEAR. IF THIS WAS INDIA OR MALAYSIA, AQUINO WOULD HAVE BEEN SHOT" (WHICH I INTERPRET AS AN EXAMPLE OF PSYCHOLOGICAL PROJECTION). MARCOS IS ACUTELY AWARE THAT AQUINO HAS BECOME INTERNATIONAL SYMBOL AND, UNLESS THERE IS A MOMENT OF PANIC, HE IS UNLIKELY TO HAVE HIM KILLED. FEARING AQUINO AS A SYMBOL OF THE OPPOSITION, HOWEVER, MARCOS APPEARS ALSO UNLIKELY TO LET HIM OUT OF PRISONS IN FORESEEABLE FUTURE.

7. I OBSERVED THAT MANY CITIZENS WELCOMED MARTIAL LAW WHEN IT WAS FIRST DECLARED, THAT PEOPLE HAVE A CLOCK ON SUCH MEASURES AND CONSIDER THE TIME HAS RUN OUT. MARCOS SAID HE RECOGNIZED SINCE 1972 THAT MARTIAL LAW WOULD BE TEMPORARY, AND THAT HE HOPES TO BE ABLE TO END IT "WHEN THE MOSLEM SECESSIONIST THREAT IN MINDANAO IS ENDED." HE DID NOT SUGGEST A DATE.

8. FOLLOWING LUNCH AT MALACANANG PALACE (FOR WHICH MRS. MARCOS PUT IN A LATE APPEARANCE AFTER HER LUNCH WITH A CHINESE DELEGATION) I CALLED ON JAIME CARDINAL SIN, WHO ADDED HIS THOROUGHLY RESPECTABLE ENDORSEMENT TO THE VIEWS I HAD HEARD FROM OPPOSITION LEADERS. CARDINAL SIN SAID HE VOTED "NO" IN MARCOS' REFERENDUM AND SIGNED HIS BALLOT TO BE SURE MARCOS WOULD KNOW -- "IN INK" SO
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IT WOULD NOT BE ALTERED. I CONSIDER HIM A KEY FIGURE IN HELPING MOVE HIS COUNTRY BACK TO DEMOCRACY.

9. THE SUPREME COURT IS MORE OR LESS INDEPENDENT (4 MEMBERS WERE CLASSMATES OF MARCOS), PROUD OF ITS PROFESSIONALISM, APPARENTLY TROUBLED BY MARTIAL LAW. THE NUMBER OF OPINIONS WITH DISSENT GROWS. AQUINO HAS DELIBERATELY RAISED A NUMBER OF LANDMARK QUESTIONS TO BUILD THE RECORD AND SEES DUTY TO DO SO.

10. FOLLOWING SOCIAL GATHERING AT THE NEWSOM'S RESIDENCE, I DROVE AT 8:30 P.M. TO THE ARMY BARRACKS AT WHICH SENATOR BENIGNO AQUINO, JR IS CONFINED. SEEING HIM PROVED TO BE A MOVING CONCLUSION TO AN ALREADY FULL DAY. WE MET FOR 90 MINUTES, WITHOUT PHILIPPINE WITNESSES, DURING WHICH AQUINO SPOKE OF THE CIRCUMSTANCES LEADING TO HIS DETENTION, HIS LEGAL MOVES, AND HIS OWN HOPES FOR THE FUTURE. HE IS A COMPELLING AND CHARISMATIC MAN, CLEARLY A POLITICAL LEADER OF THE FIRST RANK, WITH AN APPARENTLY PROFOUND COMMITMENT TO DEMOCRATIC AND ANTI-TOTALITARIAN IDEALS. SEEING HIM AT FIRST HAND MAKES IT CLEAR WHY MARCOS HAD HIM JAILED: HE FEARS HIM AS HIS MOST EFFECTIVE POLITICAL RIVAL AND PROBABLY

WOULD LIKE NOTHING MORE THAN TO HAVE AQUINO DISAPPEAR FROM THE PHILIPPINES (AND FROM THIS EARTH).

11. I ASKED AQUINO IF HE WOULD LIKE US TO ASK FOR HIS RELEASE TO THE U.S. HE IS TEMPTED BY THE HARVARD

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TO SECSTATE WASHDC PRIORITY 272

C O N F I D E N T I A L SECTION 3 OF 3 MANILA 632

NODIS

FOR THE SECRETARY AND DEPUTY SECRETARY FROM PATT DERIAN
DEPARTMENT PLEASE PASS TO: TOKYO FOR HOLBROOKE; JAKARTA
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FELLOWSHIP, BUT HAVING ENDURED FIVE YEARS UNDER SOME-
TIMES HORRENDOUS CONDITIONS (E.G., A MONTH OF SOLITARY
IN A BOX) HE NOW FEELS A SENSE OF COMMITMENT WHICH FOR THE
TIME BEING COMPELS HIM TO STAY. HIS WIFE (WHOM I HAD MET
AT BREAKFAST AND WHOSE HEROISM IN THIS SITUATION IS EQUIVALENT
TO HIS) HAS ACCEPTED THIS DECISION, ALTHOUGH SHE TOO FEELS
THE TEMPTATION TO TAKE THE PATH OFFERED BY THE HARVARD
FELLOWSHIP.

12. I HAVE ENCOURAGED DAVE NEWSOM TO CONSIDER VISITING
AQUINO TOO AS A FURTHER EXPRESSION OF OUR AWARENESS OF HIS
PLIGHT, AND TO SEE FOR HIMSELF THE QUALITIES I SENSED IN THIS
REMARKABLE MAN. I AM SENDING AQUINO A COPY OF THE PRESIDENT'S
PARIS SPEECH AND SUGGEST WE REGULARLY SEND HIM
SUCH DOCUMENTS. AQUINO SAID THE PRESIDENT'S HUMAN RIGHTS
STATEMENTS HAD RESULTED IN MAJOR IMPROVEMENTS IN HIS
CONDITIONS. WHEN I ASKED HIM WHAT THE U.S. MIGHT DO, HE
REFERRED (AS SO MANY OTHERS HAD) TO THE IMPORTANCE OF OUR
DEMOCRATIC TRADITIONS FOR THE PHILIPPINES. HE HAS A DEEP
LOYALTY TO HIS COUNTRY AND HOPES TO HAVE A ROLE IN ITS
POLITICAL FUTURE. ON PRACTICAL MATTERS, HE THOUGHT MARCOS'

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CURRENT POLICIES ARE GOVERNED BY HIS NEED TO FINANCE HIS \$6.5 BILLION DEBT. HE ALSO SAID THE PHILIPPINE PEOPLE WANT AND EXPECT OUR BASES TO REMAIN.

13. ON BOTH THESE MATTERS THE OBVIOUS IMPLICATION IS THAT WE SHOULD GO SLOW TO AVOID GIVING MARCOS THE POLITICAL GAINS THAT WOULD RESULT FROM A LUCRATIVE BASES AGREEMENT OR GENEROUS INTERNATIONAL FINANCING.

14. AMBASSADOR NEWSOM AND HIS STAFF DID A FINE JOB OF ARRANGING FOR ME TO SEE SO MANY PEOPLE IN SUCH A SHORT PERIOD. I BELIEVE WE AND THEY FACE DIFFICULT QUESTIONS IN BALANCING OUR HUMAN RIGHTS CONCERNS WITH OUR OTHER INTERESTS IN THIS COUNTRY. I HOPE WE CAN DISCUSS AND REVIEW THESE QUESTIONS WITH THE HELP OF THE EMBASSY AND CONCERNED BUREAUS AFTER MY RETURN. THIS COUNTRY'S SITUATION REQUIRES US TO BE MINDFUL OF OUR GREEK EXPERIENCE. REGARDS.
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